

Court of Appeals, State of Michigan

ORDER

People of MI v Frederick Howard Thornburg

Docket No. 267407

LC No. 04-001055-FC

David H. Sawyer
Presiding Judge

E. Thomas Fitzgerald

Michael J. Talbot
Judges

The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED. Page 1 of the application starts with the statement that “the Defendant-Appellant seeks an order reversing the order of the Circuit Court requiring that he register as a sex offender.” The only order requiring registration was the October 29, 2004 judgment of sentence. The order of February 7, 2005, is silent regarding registration. Second, on page 1 of the application defendant characterizes the actions of the trial court as “The Circuit Court refused to order the Michigan Department of State Police (MSP) to remove the defendant from the sex offender registry.” This is far different than the characterization that defendant now places in this motion for reconsideration. Finally, the argument made in the application was never made in the trial court. The argument made in the trial court 3 months after sentencing was that it was not mandatory that defendant be required to register. That is a far different argument than the argument made in the application that the law prohibits the requirement of registration unless defendant pled to a listed crime or he admitted facts that would establish guilt to a listed crime. What this all means is that contrary to defendant’s claim it is not the February 7, 2005 order being appealed. Instead, it is clear that it is the judgment of sentence, the only order requiring registration, that is being appealed.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG - 9 2006

Date

Sandra Schultz Mengel
Chief Clerk